
(2017) 07 RAJ CK 0062
In the Rajasthan High Court
Case No : 829 of 2017

Deepak Kumar Son of Dwarkaprasad	APPELLANT
Vs	
State of Rajasthan	RESPONDENT

Date of Decision : 26-07-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 376](#),
[Section 384](#) - Punishment for rape - Punishment for extortion
[Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#)

Citation : (2017) 07 RAJ CK 0062

Hon'ble Judges : P.K. Lohra

Bench : SINGLE BENCH

Advocate : Mahesh Khyani, J.P. Bhardwaj

Final Decision : Allowed

Judgement

1. Accused-appellant has laid this appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "Act of 1989") to assail impugned order dated 12.05.2017 passed by Special Judge, Scheduled Castes/ Scheduled Tribes Act Cases (Sessions Judge), Chittorgarh (for short, "learned trial Court"). By the order impugned, learned trial Court has rejected the bail application of petitioner in respect of FIR No.126/2017 of Police Station Nimbahera, District Chittorgarh for offences under Sections 376, and 384 IPC and Section 3(1)(w) and 3(2)(v) of the Act of 1989.

2. Learned counsel for the appellant submits that appellant has

been falsely implicated in the matter and the allegations contained in the FIR are inherently improbable. It is argued by learned counsel that the learned trial court has not at all examined the matter in right perspective.

3. Learned Public Prosecutor has opposed the appeal and submits that looking to the gravity and magnitude of offences attributed to the appellant, no interference with the impugned order is warranted. Learned Public Prosecutor further submits that the learned trial Court, in its discretion, has declined prayer for bail to the appellant which is not liable to be tinkered with in exercise of appellate jurisdiction.

4. Having heard learned counsel for the parties and taking into account all the facts and circumstances of the case, I feel persuaded to set aside the order dated 12.05.2017 passed by the learned trial Court rejecting bail plea of the appellant.

5. Accordingly, the instant appeal is allowed and the impugned order passed by the learned trial Court is set aside. As a consequence of setting aside of the impugned order, the bail application of the appellant is allowed and it is ordered that the accused-appellant, Deepak Kumar S/o Dwarka Prasad, arrested in connection with F.I.R. No.126/2017 Police Station Nimbahera, District Chittorgarh, may be released on bail; provided he furnishes a personal bond of Rs.50,000/- with two surety bonds of Rs.25,000/- each to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.